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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/985,122	12/04/1997	H ANDERSSON	12177/34701	3176
23838	7590	05/03/2005	EXAMINER	
KENYON & KENYON 1500 K STREET, N.W., SUITE 700 WASHINGTON, DC 20005				HOOSAIN, ALLAN
ART UNIT		PAPER NUMBER		
2645				

DATE MAILED: 05/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	08/985,122	ANDERSSON ET AL.	
	Examiner	Art Unit	
	Allan Hoosain	2645	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 02 March 2005.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 18-45 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 18-45 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____. |

DETAILED ACTION

Claim Objections

1. Claims 40 and 41 are objected to because of the following informalities: Claim 40 depends on itself. Similarly, Claim 41 depends on itself. For this office action, it is assumed that Claim 40 depends on Claim 39 and claim 41 depends on claim 40. Appropriate correction is required.
2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 18,24,29,34,39 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by **Pershan** (US 5,260,986).

As to Claims 18,24,29,34,39, with respect to Figures 1-3, **Amin** teaches a system for providing voice messaging to a pager (wireless device) and a telephone (landline communication device), the system comprising:

a voice mailbox (Figure 1, label 30);
a mobile switching center interface capable of receiving requests to leave messages in the voice mailbox for the pager (wireless device) or the landline communication device, wherein the wireless device may be identified by a pager phone number (first telephone number) and the

landline device may be identified by a land line telephone number (second telephone number) (Col. 13, lines 20-29); and

a voice mail notification (message waiting indicator) coupled to said mobile switching center interface, wherein when a request to leave a message is received at the mobile switching center interface for either the wireless device or the landline communication device, a voice mail notification (voice message waiting indication) is transmitted to both the wireless device and the landline communication device (Figure 3, labels 164,182 and Col. 10, lines 14-20,48-60).

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 18-19, 24-25,29-30,34-35,39-40 are rejected under 35 U.S.C. 102(e) as being anticipated by **Amin** (US 6,014,559).

As to Claims 18,24,29,34,39, with respect to Figures 1-3, **Amin** teaches a system for providing voice messaging to a wireless device, 10, and a landline communication device, 98, the system comprising:

a voice mailbox (Figure 1, label 106);

a mobile switching center interface, 12, capable of receiving requests to leave messages in the voice mailbox for the wireless device (Figure 3, label 204) or the landline communication device (Figure 1, label 19), wherein the wireless device may be identified by a cellular phone number (first telephone number) and base station (the landline device) may be identified by a private base station land line number (second telephone number) (Col. 5, lines 4-12); and

a voice mail notification (message waiting indicator) coupled to said mobile switching center interface, wherein when a request to leave a message is received at the mobile switching center interface for either the wireless device or the landline communication device, a voice mail notification (voice message waiting indication) is transmitted to both the wireless device and the landline communication device (Col. 6, lines 10-13 and Figure 3, label 222).

As to Claims 19,25,30,35,40, **Amin** teaches the system of claim 18, wherein the message waiting indication is provided to said landline communication device through a hub end office without passing through said mobile switching center (Col. 6, lines 14-16).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was

commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

8. Claims 20-23, 26-28, 31-33, 36-38, 41-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Pepe et al.** (US 5,742,905) in view of **Jain** (US 6,085,101).

As to Claims 18, 24, 29, 34, 39, with respect to Figures 1-3, **Pepe** teaches a system for providing voice messaging to a wireless device and a landline communication device the system comprising:

a voice mailbox (Figure 22);

a mobile switching center interface capable of receiving requests to leave messages in the voice mailbox for the wireless device or the landline communication device, wherein the wireless device may be identified by a first telephone number) and the landline device may be identified by a second telephone number (Figure 1 and Col. 6, lines 11-19); and

a message waiting indicator coupled to said mobile switching center interface, wherein when a request to leave a message is received at the mobile switching center interface for either the wireless device or the landline communication device, a voice mail notification (voice message waiting indication) is transmitted alternatively to the wireless device and the landline communication device (Col. 6, lines 11-22);

Pepe does not teach the following limitation:

“transmitted to both the wireless device and the landline communication device”

However, it is obvious that **Pepe** suggests the limitation. This is because **Pepe** teaches alternate notification to wireless or wireline devices (Col. 6, lines 11-22). **Jain** teaches multicasting messages (transmitting to both) to wireline and wireless devices (Col. 14, lines 14-35). Having the cited analogous art at the time the invention was made, it would have been obvious to one of ordinary skill in the art to add multicasting capability to **Pepe**’s invention for transmitting notifications to both wireline and wireless devices as taught by **Jain**’s invention in order to provide notification to users of received messages.

As to Claims 19,25,30,35,40, **Pepe** teaches the system of claim 18, wherein the message waiting indication is provided to said landline communication device through a hub end office without passing through said mobile switching center (Figure 4).

9. Claims 20-23, 26-28,31-33,36-38,41-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Pepe** in view of **Jain** and further in view of **Bartholomew et al.** (US 6,215,858).

As to Claim 20-22,26-28,31-33,36-38,41-43, **Pepe** teaches the system of claim 19, wherein the message waiting indication is sent to said hub end office and the message waiting indication is sent from said hub end office to the landline communication device through a remote end office over the Signal System 7 network (Figure 6);

Pepe does not teach the following limitations;

“via an SDMI link”

However, it is obvious that **Pepe** suggests the limitation. This is because teaches a variety of voice mail notification options (Col. 4, lines 63-67). **Bartholomew** teaches a SMDI link for transporting voice mail data in a PSTN network (Figure 4). Having the cited analogous art at the time the invention was made, it would have been obvious to one of ordinary skill in the art to add SMDI capability to **Pepe**’s invention for providing voice mail data as taught by **Bartholomew**’s invention in order to provide voice mail notification services.

As to Claim 23, **Pepe** teaches the system of claim 21 wherein said message waiting indicator causes a notification to be first sent to said one of said wireless device and said landline communication device and then subsequently causes a notification to be sent to the other one of said wireless device and said landline communication device when a predetermined condition is satisfied (Col. 6, lines 11-19).

10. Claims 44-45 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Pepe** in view of **Jain** and further in view of **Blair et al.** (US 4,964,156).

As to Claims 44-45, **Pepe** teaches the system of Claim 18 wherein:

Pepemin does not teach the following limitation:

“all inbound calls to the voice mailbox are received via the mobile switching center interface”

Blair teaches all calls in a mobile cellular system with voice mail services (Figure 3).

Having the cited analogous art at the time the invention was made, it would have been obvious to one of ordinary skill in the art to add all mobile inbound calls to **Pepe's** invention for providing voice mail services to mobile subscribers as taught by **Blair's** invention in order to provide voice mail notification to mobile subscribers.

Response to Arguments

11. Applicant's arguments with respect to claims 18-45 have been considered but are moot in view of the new ground(s) of rejection and the following:

Examiner respectfully disagrees that **Amin** does not teach sending notification to both wireless and wireline devices. **Amin** clearly teaches this feature at Col. 6, lines 54-57. **Amin** teaches forwarding the notification to a cellular phone (Col. 5, lines 20-25). This forwarding must include an inherent telephone number. Also, **Amin** teaches forwarding to the base station through a land-line network (Col. 6, lines 14-18). This forwarding must include a land-line telephone number.

Examiner agrees with Applicants that the 35 USC 103 rejections were improper because of the common assignee rules. Hence, this instant office action is made non-final.

Examiner respectfully invites Applicants to contact Examiner to discuss possible amendments for overcoming the prior art of record.

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Doeringer (US 5,361,256) teaches multicasting messages groups in different sub-networks.

13. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231
or faxed to:

(703) 872-9314, (for formal communications intended for entry)

Or:

(703) 306-0377 (for customer service assistance)

Hand-delivered responses should be brought to Carlyle, Alexandria, VA 22313
(Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Allan Hoosain** whose telephone number is (571) 272-7543. The examiner can normally be reached on Monday to Friday from 8 am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Fan Tsang**, can be reached on (571) 272-7547.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-2600.

Allan Hoosain
Allan Hoosain
Primary Examiner
4/18/05